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ABSTRACT

Testimony is presented on the extension of those provisions of the Voting Rights Act which are due to expire later in 1975. The testimony describes the facts and reasoning which support President Ford's recommended Bill, H.R.2148. Also discussed are H.R.'s939, 3247 and 3501. The latter two bills propose that additional changes should be made in the Act, primarily to protect further the rights of Mexican-American and Puerto Rican citizens. The role of the Department of Justice in drafting the Voting Rights Act of 1965 is noted: The Act was based in part on facts and case law developed by the Department under prior voting rights legislation, and the primary task of federal enforcement of the Act was and is placed on the Department. The Civil Rights Division particularly the Voting Section--has therefore accumulated a large amount of information pertinent to assessing the need for any extension of the Voting Rights Act in the opinion of the witness. A list of additional information and exhibits developed by the Division's staff is submitted with the testimony presented here. The witness concludes that the most urgent task of the Committee relating to the Voting Rights Act is to agree promptly on a Bill extending Sections 4 and 201 for an additional five years. (JM)

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STATEMENT

BY

J. STANLEY POTTINGER
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

Before The

SUBCOMMITTEE ON CIVIL RIGHTS & CONSTITUTIONAL RIGHTS

Of The

HOUSE JUDICIARY COMMITTEE

On

THE EXTENSION OF THE VOTING RIGHTS ACT

10:00 A.M.
WEDNESDAY, MARCH 5, 1975
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Washington

TESTIMONY OF J. STANLEY POTTINGER
BEFORE THE SUBCOMMITTEE ON CIVIL AND
CONSTITUTIONAL RIGHTS, COMMITTEE ON THE
JUDICIARY, U. S. HOUSE OF REPRESENTATIVES

MARCH 5, 1975

I am pleased to appear before the Subcommittee this morning to testify on the extension of those provisions of the Voting Rights Act which are due to expire later this year. Accompanying me here this morning are Deputy Assistant Attorney General James P. Turner and Gerald Jones, the Chief of our Voting Section, who are responsible for administering the Act, and Brian Landsberg, Chief of our Appellate Section and Anne Clarke, Director of our Research Unit, who have assisted in our study of the issues surrounding the proposed extension.

In my testimony I will describe the facts and reasoning which support President Ford's recommended bill, H.R. 2148, which was introduced by Congressmen Hutchinson, McClory, Railsbach, Fish and Cohen, and I will also discuss H.R. 939, which Chairman Rodino and Chairman Edwards have introduced. In addition, just last week H.R. 3247 and H.R. 3501 were introduced. These bills propose that

additional changes should be made in the Act, primarily to protect further the rights of Mexican-American and Puerto Rican citizens. In my view, as explained in our legal memorandum which has already been placed in the record, the Voting Rights Act, in its various protections against discrimination on account of race or color, does to some extent already cover Mexican-Americans and Puerto Ricans. The possible need for further protection, however deserves careful consideration by the Subcommittee, and I am pleased to see that representatives of these groups and other persons concerned with this question are testifying in these hearings. While the factual data the Department of Justice thus far has gathered is insufficient for us to make a final recommendation at this moment, my testimony will outline the considerations of which we are presently aware, and which we believe are relevant to these proposals.

The Department of Justice helped draft the Voting Rights Act of 1965: The Act was based in part on facts and case law developed by the Department under prior voting rights legislation, and the primary task of federal enforcement of the Act is placed on the Department. The Civil

Rights Division -- particularly our Voting Section -- has therefore accumulated a large amount of information which I hope the Subcommittee will find helpful in assessing the need for any extension of the Voting Rights Act. In response to requests from the Chairman I have already furnished extensive information. Some of that information, as well as additional exhibits which the Division's staff has developed, will be submitted with my testimony or has already been placed in the record of these hearings, and I will refer to those exhibits in the course of testifying this morning.

The Voting Rights Act is unusual legislation in several respects. First, it attacks a problem which, prior to 1965, had been allowed to sap the strength of our democratic form of government: the denial and abridgment of the right to vote based on race. A rereading of the legislative history of the Act and a rereading of the Supreme Court's decision upholding the

Act, South Carolina v. Katzenbach, 383 U.S. 301, reveals the systematic and thorough use of every conceivable device to stop black citizens in many of the covered states from having a fair voice in their government.

The second unusual aspect of the Act is that, because of this prior history, Congress enacted what the Supreme Court has called "a complex scheme of stringent remedies aimed at areas where voting discrimination has been most flagrant." Id. at 315. Justice Black argued in dissent in South Carolina v. Katzenbach that §5 of the Act "so distorts our constitutional structure of government as to render any distinction drawn in the Constitution between state and federal power almost meaningless." Id. at 358. While I disagree with that characterization of §5, I think it is fair to say that §5 does represent a substantial departure from ordinary concepts of federalism.

Finally, the Act has been unusually effective. It brought about a prompt, visible, dramatic increase in political participation by the black citizens in the South whose prior exclusion from the political process it was primarily designed to remedy. The results have fortunately been a general acceptance in the covered States of the resulting franchise of blacks, with important exceptions, of course, that require the continuing attention which extension would afford.

The questions before us this morning are whether, in light of present needs, in light of the successes of the Voting Rights Act to date, and in light of the principles of federalism, the Act should be extended. If answered affirmatively, a secondary concern is for how long it should be extended. To properly consider these questions we should examine the workings of the Act. Has it proved workable? Has it promoted nondiscrimination in voting? Does experience under it warrant extending its special coverage provisions to more fully protect the rights of other groups? Has it been so successful that it is no longer needed? How much of a strain of federalism has resulted? I believe that the results of such an examination, together with an examination of the judicial and

legislative precedents, strongly support the Administration's proposed five-year extension, H.R. 2148. I will address these questions, first as to the extension of §4(a) of the Act, and second as to §201(a) of the 1970 Amendments; and third as to H.R. 3247 and H.R. 3501.

I. Section 4 is the central provision of the 1965 Act, because that section determines which states shall be subject to the special provisions of the Act relating to the suspension of tests or devices, pre-clearance of changes in voting laws, listing of voters by federal examiners, and the use of federal observers to monitor the conduct of elections. Section 4(b), as amended in 1970, provides for coverage of states and political subdivisions which the Attorney General determines maintained as a prerequisite for voting any test or device on November 1, 1964 or November 1, 1968 and which the Director of the Census certifies had less than 50% voter participation or registration in the Presidential election in 1964 or 1968, respectively. The Supreme Court, in upholding the provision of §4(b) of the 1965 Act that these determinations are not reviewable said:

"the findings not subject to review consist of objective statistical determinations by the Census Bureau and a routine analysis of state statutes by the Justice Department." South Carolina v. Katzenbach, 383 U.S. 301, 333.

Pursuant to these provisions 7 states and 46 political subdivisions were initially determined to come under the 1965 Act. Following extension of the Act in 1970, an additional 62 political subdivisions were covered (including 8 political subdivisions which had been determined to be covered in 1965 but had subsequently "bailed out" under §4(a)). Exhibit 1 lists the states and subdivisions covered under §4 of the Act in 1965 and 1970. While most of the covered jurisdictions are located in the South, some are located in the North and West, particularly areas with large Native American or Spanish-speaking populations, such as Arizona and New York.

The provision of §4 which leads to today's hearing states that jurisdictions covered by virtue of the certifications of the Attorney General and Director of the Census may escape coverage if:

the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: Provided, that no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

Since the passage of the Act two states and 14 political subdivisions have sought such a judgment. Of these, one state and 12 political jurisdictions have obtained such a judgment (including three New York counties which have since been placed back under the special coverage of the Act by motion of the Attorney General), and four such judgments have been denied. Actions under this so-called "bail-out" provision are listed in Exhibit 2. Since that provision, as it currently reads, requires entry of a declaratory judgment in favor of the moving state or subdivision if it has not used a test or device in a discriminatory fashion during the ten years preceding the action, those jurisdictions which became covered in August of 1965 and which were consequently required to suspend entirely the use of tests or devices should be able to establish their eligibility to "bail out" in August 1975, assuming that they in fact suspended all use of tests or devices as required. For jurisdictions first covered in 1970, the ten years will not expire until at earliest 1980.

Section 4 suspends the use of tests or devices by covered jurisdictions, but since §201 (a) of the 1970 Amendments imposed a nationwide suspension of tests or devices, I will discuss the suspension later in this statement, when we come to §201(a). I now want to turn to the other consequences of coverage under §4: preclearance of changes in voting laws; federal examiners; and federal observers.

A. Preclearance

Section 5 of the Act requires preclearance of changes in the voting laws of jurisdictions covered by §4. The jurisdictions must either obtain from the United States District Court for the District of Columbia a declaratory judgment "that such [changed] qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color" or submit the change to the Attorney General. If the Attorney General does not object to the submission within sixty days, the change may be enforced by the submitting jurisdiction. The Supreme Court, in upholding the constitutionality of §5, said:

> Congress knew that some of the States covered by §4(b) of the Act had resorted to the extraordinary stratagem of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees. Congress had reason to suppose that these States might try similar maneuvers in the future in order to evade the remedies for discrimination contained in the Act itself.

South Carolina v. Katzenbach, 383 U.S. 301, 335.

The Congressional hearings on the 1970 Amendments to the Voting Rights Act reflect that §5 was little used prior to 1969 and that the Department of Justice questioned its workability. Not until after the Supreme Court, in litigation brought under §5, had begun to define the scope of §5 in 1969 (Allen v. State Board of Elections, 393 U.S. 544) did the Department begin to develop standards and procedures for enforcing §5. Congress gave a strong mandate to us to improve the enforcement of §5 by passing the 1970 Amendments. We subsequently promulgated regulations for the enforcement of §5 and directed more resources to §5, so that today enforcement of §5 is the highest priority of our Voting Section. Thus, most of our experience under §5 has occurred within the past five years. Although

4476 voting changes have been submitted under Section 5 since 1965, between 1965 and 1969 the number of changes submitted was only 323 or 7% of all the Department has received. About 93% of all changes have been submitted since 1970. The year 1971 was the peak year for changes reviewed (1,118) and objections entered (50), a natural occurrence in light of the upcoming elections and redistrictings following the 1970 Census. The past three years, however, have continued to require the Department to review a high number of changes (between 850-1000 a year). See Exhibit 3.

The following sets forth the states in descending order by numbers of changes submitted. The corresponding numbers of objections entered are also listed.

	Changes	Objections
S. Carolina	941	19
Virginia	891	10
Georgia	809	37
Louisiana	632	37
Mississippi	428	29
Alabama	331	22
N. Carolina	194	6
Arizona	149	2
New York	88	1
California	12	0
Wyoming	1	0
Idaho	0	0
	4,476	163

Exhibit 4 classifies changes into seven basic types: redistricting, annexation, polling place, precinct,

reregistration, incorporation and a broad category, "election laws", which includes such changes as numbered posts, staggered terms, and candidate filing fees. As Exhibit 4 shows, annexations, polling place changes and redistrictings are the types of laws most frequently reviewed.

A total of 163 objections have been entered since 1965. Exhibit 5 lists the objections by state and Exhibit 6 sets forth Section 5 objection totals by state and year. A precise count of the number of changes involved is difficult because of the varying compositions of the laws submitted. However, these 163 objections have involved about 300 changes, e.g. one redistricting plan may involve at-large elections, multi-member districts, numbered posts and a majority requirement, while another may only involve numbered posts.

The highest number of objections was in 1971 (50), followed by 32, 27 and 30 in the next three years. Thus, it is apparent that the rate of objections has been about the same the past three years, indicating the continuing need for Section 5 review.

Approximately one-third of our objections have been to redistrictings on the state, county and city levels. In contrast, only 9 of our objections have related to annexations, which comprise the highest number of changes submitted.

These statistics tell only part of the story. The substance which lies behind them is even more important. The provisions of Section 5 have proved more complex than was imagined in 1965. It was not until the publication of the Department of Justice regulations in September of 1971 that states and political subdivisions were provided with a definite, concrete list of the types of legislation and administrative actions which constituted voting changes within the meaning of Section 5 (see 28 C.F.R. §51.4). The regulations are attached as Exhibit 7.

Although the publication of the Attorney General's guidelines, other Department activities and court decisions were followed by a large increase in the number of voting changes submitted for preclearance under Section 5, still many such changes have not been submitted. We have undertaken

a number of programs to uncover such changes and to obtain their submission. For instance, in July 1971 the Civil Rights Division sent letters to local district attorneys in 18 of the 33 judicial districts in the State of Louisiana reminding them of the preclearance requirements of Section 5 and asking that they apprise us of redistrictings or reapportionments of any of the parishes located in their respective districts, since we understood that virtually all of the Louisiana parishes had redistricted, or were in the process of doing so and we had received no redistricting submissions from those districts. After the sending of these letters, 70 local reapportionments were submitted, including 18 which resulted in objections.

In 1972 and early 1973 the Voting Section undertook a review of Louisiana state statutes passed during the years 1965 through 1972 in an effort to identify those appearing to deal with voting changes which had not been submitted for a determination under Section 5. As a result of this project the Louisiana Attorney General was advised that a substantial number of such statutes existed and he was reminded of the State's Section 5 responsibility with respect to the voting changes apparently involved. The State made a submission of 149 statutes in March 1973.

A similar project with respect to the 1971 Session laws for the State of Alabama during 1974 resulted in the discovery of 161 unsubmitted voting changes from the year 1971. This was brought to the Alabama Attorney General's attention by my letter of August 27, 1974.

This year we have undertaken similar reviews of the session laws for nine states for the years 1970-1974. As a result we have mailed just recently (February 25, 1975) to the Attorney General of Georgia a letter apprising him of 158 unsubmitted laws which our search revealed and appropriate letters are now being prepared to the other eight states involved.

In addition, we have asked the FBI through contact with local authorities to determine whether changes relating to voting may have been adopted in a manner such as ordinance, resolution, etc., which may not be reflected in the state statutes. Where such changes have been made we intend to seek Section 5 compliance where necessary.

Thus, Section 5 has yet to be fully implemented. In some instances voting changes have been implemented even

after we notified the state or local authorities of the requirements of Section 5 and even after we had sent objection letters under Section 5. For instance, in Leake County, Mississippi, in 1970 and in Kemper County, Mississippi in 1974 we were forced to file suit in order to prevent these counties from implementing an unsubmitted change to at-large elections for their school board members. And in a number of instances, i.e., the State of Georgia; Jonesboro, Hinesville and Twiggs County, Georgia; and St. James Parish, Louisiana, we had to file suit to prevent intended implementation of a change to which the Attorney General had objected.

Under Section 5, the submitting authority has the burden of showing that the submitted change does not have a racially discriminatory purpose or effect. While some of the Attorney General's objections under Section 5 are based primarily on the submitting authorities' failure to carry this burden, many are based on a conclusion that the change involved is clearly discriminatory. Permit me to cite a few examples.

In recent years we have objected to the change of polling places to an all-white segregated private school (Lafayette Parish, La., July 16, 1971) and to an all-white segregated club (St. Landry Parish, La., Dec. 6, 1972); to a racial gerrymander of voting districts using non-contiguous areas as a part of the district (E. Feliciana Parish, La., Dec. 28, 1971) and a racial gerrymander resulting in "an extraordinarily shaped 19-sided figure that narrows at one point to the width of an intersection, contains portions of three present districts, and suggests a design to consolidate in one district as many black residents as possible" (Orleans Parish, La., August 20, 1971). In several instances covered jurisdictions submitted proposed annexations of white areas, while refusing to annex black areas; attached, for example, as Exhibit 8 are our objection letter of February 5, 1975 regarding a proposed annexation to Granada, Miss., a map of the proposed annexation and, for comparison purposes, a map of the voting change held unconstitutional in Gomillion v. Lightfoot, 364 U.S. 339 (1960). Rather than provide only

selective examples, I have attached as Exhibit 5, a list of all objections entered under §5 and as Exhibit 9 lists and summaries of Department of Justice litigation under the Voting Rights Act.

In summary, the protections of §5 should be expanded because:

(a) it has been effective in preventing discrimination;

(b) it has never been completely complied with by the covered jurisdictions; and

(c) the guarantees it provides are more significant to the country than slight interference to the federal system.

B. Examiners

§6 of the Voting Rights Act, governing the use of Federal examiners, provides for their appointment whenever authorized by a court in a proceeding brought by the Attorney General to enforce the guarantees of the 15th Amendment (§3(a)), or in a covered jurisdiction under §4(b), whenever the Attorney General certifies that he has received meritorious written complaints from 20 or more residents of political subdivision that they have been denied the right to vote under color of law

by reason of race or color, or when, in his judgment, "the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment"... §6(b)(2). In making the latter determination, the Attorney General is required to take into account whether the ratio of nonwhite to white persons registered to vote appears reasonably attributable to violations of the 15th Amendment or whether bona fide efforts are being made to comply. More specifically, the Department considers such factors as how long and how consistently the voter registration office is open, its location in relation to areas where black registration is low and whether offices are set up in outlying areas; whether there has been intimidation of registrants ranging from discourtesy to violence; and whether standards are applied differently to white and black applicants.

Once an area has been designated for federal examiners, at the request of the Attorney General the U.S. Civil Service Commission selects and assigns them.

As recognized by the Supreme Court in South Carolina v. Katzenbach, supra, this section of the Act was necessary because "voting officials have persistently employed a variety of procedural tactics to deny Negroes the franchise, often in direct defiance or evasion of federal court decrees." 383 U.S. at 336. The procedure was designed to cure some of the "localized evil" which might be undisturbed by mere suspension of misused voting rules.

The duty of federal examiners is to list persons who satisfy state voting qualifications which are consistent with federal law and to supply that list monthly to local election officials, who then enter the names on the official voter registry. A procedure for challenging any person listed is provided in §9. In addition, examiners are available during an election and within forty-eight hours after the closing of the polls to receive complaints that persons otherwise eligible to vote have been denied that right.

Since the passage of the Act, approximately 317 examiners have been sent to 73 designated jurisdictions. A complete list of designated counties and parishes is attached as Exhibit 10. The majority of designations for examiners occurred from 1965-1967 (61 out of 73); however, 6 additional areas were designated in 1974. The largest number of designations have been made in Alabama (14), Louisiana (11), and Mississippi (38).

Since 1965, 160,358 black persons have been listed by federal examiners. During the period from 1965-1969, a total of 158,384 blacks were listed, and from 1970-1974, the federal examiners listed 1974 black voters. A complete list of totals, by race, state, and year of persons listed by federal examiners is attached as Exhibit 11. Estimates based upon data collected by the Voter Education Project in Atlanta, Georgia would indicate that registration of blacks by federal examiners accounted for 34.2% of the total increase in black voter registration in Alabama from 1964-1972. The comparable percentages in other states were 1.9% in Georgia, 13.2% in Louisiana, 27.5% in

Mississippi, and 7.4% in South Carolina, with a total overall of 18.9% of black registration being accomplished by federal examiners. See Exhibit 12. In addition, we believe that the overall increase in black registration in the covered southern states from 1.2 million in 1964 to 2.1 million in 1972 has been due, in part, to the knowledge by local registrars that federal examiners will be designated if black persons are not given a meaningful opportunity to register.

The most recent use of federal examiners to list black voters occurred in Pearl River County, Mississippi in April, 1974. The designation of Pearl River County resulted from more than 40 complaints by residents that they had been denied the right to vote by reason of their race, the first such designation made by the Attorney General on the basis of specific complaints under §6(b)(1).

The underlying complaints in Pearl River County concerned the unwillingness of county officials to facilitate registration by persons residing in the City of Picayune, 26 miles from the county seat and the home of approximately 70% of the county's black residents.

Statistics showed that only about 50% of those eligible to vote were registered. In spite of efforts by attorneys from the Department to resolve the matter with county officials, the circuit clerk refused to carry his registration books to Picayune on Saturday when many blacks, who were unable to travel the 26 miles to his office during regular business hours, could register.

As a result of the appointment of federal examiners, 181 persons were registered, 172 of whom were black.

C. Observers

Whenever federal examiners are serving in a particular area, the Attorney General may request that the Civil Service Commission assign one or more persons to observe the conduct of an election to determine whether persons who are entitled to vote are permitted to do so and to observe whether votes cast by eligible voters are being properly counted.

In making the determination that federal observers are needed, the Attorney General considers three basic

areas: (1) the extent to which those who will run an election are prepared, so that there are sufficient voting hours and facilities, procedural rules for voting have been adequately publicized, and polling officials, non-discriminatorily selected, are instructed in election procedures; (2) the confidence of the black community in the electoral process and the individuals conducting the election, including the extent to which black persons are allowed to be poll officials, and (3) the possibility of forces outside the official election machinery, such as racial violence or threats of violence or a history of discrimination in other areas, such as schools and public accommodations, interferring with the election. Such factors are particularly important in an election where a black candidate or a candidate who has the support of black voters has a good chance of winning the election. Federal observers provide a calming, objective presence in an otherwise charged political atmosphere, and serve to prevent intimidation of black voters at the polls and

to assure that illiterate voters are provided with non-coercive assistance in voting. For instance, when the local polling place is located in a white-owned store, the presence of federal observers can alleviate apprehension by black voters that informal voting procedures or other improprieties will be used which will enable the poll officials to know how they voted.

Attached as Exhibit 13 is a group of representative examples of specific situations in which observers were authorized in response to local conditions surrounding elections in 1974 which had a potential for discriminatory practices. These narratives indicate that the use of federal observers is still warranted and necessary not only to assure a fair election but to lend the appearance of fairness which is essential to the maintenance of confidence in the election process.

A total of 7,359 observers have been assigned to counties and parishes in five states through December 1974, the largest number being assigned in Alabama and Mississippi. See Exhibit 14. A complete listing of observers assigned, by date of election, for the period

from May, 1966 through December, 1974 is attached as Exhibit 15. From 1966-1969, 4818 observers were used in 39 elections while from 1970-1974, 38 elections were covered by 2541 observers. In 1974, 464 observers were assigned to 12 elections.

Each observer completes a report summarizing in detail the conduct of the election process at the polling place to which he or she is assigned. That report is provided to the Department of Justice for review. A sample report form is Exhibit 16. Observer reports have been useful in evaluating complaints of discrimination in the election process, and observers have testified in court in several instances in order to establish the existence of improper practices at the polling places.

In January 1968, two federal observers testified before a state grand jury that they had observed the defendant altering ballots in the August 8, 1967 primary election in Coahoma County, Mississippi. And in a case involving the May 3, 1966 election in Dallas County,

Alabama, a federal observer testified as to the method of tallying ballots.

The observers' reports were used in a lawsuit instituted by the Attorney General against election officials in Marshall County, Mississippi to establish that scores of black voters who had been assigned to the wrong polling places were turned away from the polls in the 1971 elections.

The United States District Court for the Northern District of Mississippi in its recent opinion (10/4/74) in the case of James v. Humphreys County Board of Election Commissioners (C.A. No. GC 72-70-K) relied heavily upon observer reports which it termed "highly credible" to establish the election procedures at each polling place. The reports were also used by the Attorney General in a separate lawsuit involving the same election to establish that over 700 ballots were improperly rejected by election officials.

In addition to information which is used subsequent to an election in the context of a lawsuit,

observer reports of alleged impropriety have been useful in clearing up problems quickly, at the polls, before they become more serious. In many instances, too, observer reports have been useful in documenting that alleged violations had not occurred.

D. Overall Results of Voting Rights Act

The overall results of the Voting Rights Act in strengthening the role of black persons in the political process have been significant, but there remains a great deal to be accomplished. Based upon the available data, we estimate that the number of blacks registered to vote has increased from 1.5 to 3.5 million in the eleven-state South and nearly doubled from 1.2 to 2.1 million in the seven Southern states covered by the Voting Rights Act.

The most significant gains in voter registration by blacks have occurred in Mississippi, Louisiana, and Alabama. Prior to the Voting Rights Act, in 1964, less than 10% of the black persons of voting age were registered to vote in Mississippi, although blacks constituted 36% of the voting age population. As of

1971-72, 62.2% of eligible blacks in Mississippi were registered. Even considering this gain, however, black registration is still nearly 10% lower than the rate of white registration in Mississippi. In Louisiana, black registration, expressed as a percentage of voting age population, was 59.1% in 1971-1972 as compared with 32.0% in 1964. However, the rate of black registration in Louisiana is approximately 20% less than that for white persons. A similar pattern exists in Alabama where, although the gain in percentage of black persons registered is 34%, a gap of 23.6% still exists between black and white registration rates. These statistics, compiled from data gathered by the Voter Education Project, appear in Exhibits 17 and 18. They demonstrate, graphically, great gains, but also much more that can be accomplished.

Another indication of the gains made by black citizens under the Voting Rights Act is the increase in the number of black elected officials. As of April, 1974 there were 2,991 black elected officials in the United

States. This includes federal, state, county and municipal governments as well as elected law enforcement and education officials. Approximately 45% of the black elected officials are in municipal government positions including mayors, councilmen, commissioners, and aldermen. The attached Table, Exhibit 19, shows the distribution of black elected officials by state and position as of April, 1974. In 1970, there were only 1,469 black elected officials. Exhibit 20, attached, shows the number by state in 1970 and in 1974 together with the change which has occurred during that time. Exhibit 21, showing the number of blacks in elective office compared to the total population, voting age population and all elected officials shows that although blacks constitute 9.8% of the voting age population, less than 1% (0.6%) of all elected officials are black. All of these tables can be found in the 1974 Roster of Black Elected Officials published by the Joint Center for Political Studies in Washington.

Concentrating on the southern states, the gains from 1965 to 1974 are significant. There were less than

100 black elected officials in the southern states prior to the Voting Rights Act, compared with 565 black elected officials in eleven southern states in 1970, and 1398 in 1974. The attached chart, Exhibit 22, shows the number of black officials by state and year for these eleven states. Of the 1398 black elected officials today, 964 are in the seven states covered by the Voting Rights Act.

Notwithstanding these gains, out of 101 counties with majority black populations, 38 have no black elected officials in district, county, city or state positions and an additional 11 majority black counties have only one (1) black elected official.

The South's black mayors are, with few exceptions, in small municipalities or in areas in which there is a majority black population. In the seven southern states covered by the Voting Rights Act, only 7% of the seats in the lower houses of state legislatures were held by blacks, while in the upper houses blacks held only 2.5% of the seats. Of the sixteen black United States Representatives, only two are from southern states.

Similarly, although Mississippi ranks second in the nation in the number of black elected officials with 191, black persons hold only 4% of the elective positions despite the fact that over 1/3 of the population in the state is black (36.8%). By pointing to these disparities, I do not mean to suggest that any particular number or percentage of black persons in elective offices is required, but only that the statistics suggest the existence of practices against blacks which have prevented the level of representation that could normally be expected.

The increase in the numbers of blacks registered and voting has also had an incidental effect on the responsiveness of white elected officials to black citizens' needs. We can see this increased responsiveness in recent appointments of blacks to state level positions by the white elected officials.

In summary, there have been significant improvements in the political role of blacks since the passage of the Voting Rights Act, but I have also tried to highlight those areas where more needs to be done. The number of objections which the Attorney

General has made to changes in voting laws submitted to him under § 5 shows that there is still a potential for the passage of legislation which has either as its purpose or effect the exclusion of black voters from their rightful role. This potential could become reality in the absence of some objective control at the federal level.

E. Conclusion

In my judgment the record strongly demonstrates the need for continuation of the special coverage of the Act, especially § 5. The Administration bill, H.R. 2148, differs from H.R. 939, in proposing a five year rather than a ten year extension of the Act. The reasons for this approach are as follows.

First, Congress used five years as the appropriate period in 1965 and 1970. As we get further away from the events which led to passage of the original Voting Rights Act, it seems inappropriate to go to a new, longer time period. Rather, the need for periodic review by Congress of the continuing need for the special coverage seems

greater now than it was in 1965. It should be our goal to end the need for the special coverage provisions. A five year extension would provide a greater incentive to the covered jurisdictions to eliminate the need for special coverage. Indeed, I believe that the progress which has been made during the past five years warrants considerable optimism that we could complete the job in the next five years. Finally, I would note that a five year extension does not represent an absolute barrier inasmuch as the Act provides for continuing some protection, by providing for the retention of district court jurisdiction for the five years following the issuance of a declaratory judgment under § 4(a).

II. Extension of § 201

Section 2 of the bill proposed by President Ford (H.R. 2148) would extend for an additional five years §201(a) of the Voting Rights Act, as amended. This is the section providing for nationwide suspension of literacy tests and other similar prerequisites for voting. 42 U.S.C. 1973aa. Before discussing the basis for this aspect of our proposal, I wish to review the history of §201 and its relation to §4 of the Act.

As noted above, §4(a) of the 1965 Act, 42 U.S.C. 1973b(a), provided for the suspension of any "test or device" in any state or county found to be within the coverage formula set forth in §4(b). The means of terminating such suspension is a "bail out" suit. The primary effect of these provisions was to suspend the use of literacy tests in six states, Alabama, Georgia, Louisiana, Mississippi, South Carolina and Virginia, and in 39 counties in North Carolina. The constitutionaility of these provisions was upheld by the Supreme Court in South Carolina v. Katzenbach, supra.

In 1970, Congress amended §4(a), in effect by extending for five years the period of coverage. In addition, Congress amended §4(b) by adding a coverage formula based upon voter participation in the 1968 Presidential election. Use of the 1968 formula brought within §4(a)'s suspension of tests a number of political subdivisions, including three New York counties, eight Arizona counties and two California counties. The constitutionality of the 1968 formula has not been challenged in court.

Thus, the net effect of §4(b)'s original coverage formula (based on the 1964 Presidential election) and the formula added in 1970 was to suspend the use of tests and devices in some, but not all, states and counties which employed such prerequisites for voting. The other jurisdictions which had a test or device either were never brought under §4(a) (because their voter participation in 1964 and 1968 exceeded 50 percent) or, if covered, were successful in a "bail out" suit.

However, §201, another provision added by the 1970 Amendments, prohibited the use of any test or device in any state or political subdivision not subject to suspension under §4(a). The definition of "test or device" used in §201 is identical to that used in §4(b). The definition includes literacy tests, good-character requirements and other similar prerequisites for voting. Originally, §201 applied to all or some of the political subdivisions in 14 states. */ For example, it applied to the entire State of Oregon and to all New York counties, except the three that were covered by §4(a). The suspension effected by §201(a) continues until August 6, 1975, but, unless the statute is amended, it will terminate on that date.

Soon after enactment of the 1970 Amendments, the State of Arizona indicated that, on constitutional grounds, it would not comply with §201. The United

*/ One of the states, Idaho, had a good-character test, rather than a literacy test.

States then brought an original action in the Supreme Court to enforce §201 with respect to Arizona, and the Court held in favor of the United States. As a result of this and related litigation the Court sustained the constitutionality of §201. Oregon v. Mitchell, supra.

In its brief in the Arizona case, the Department of Justice noted that, in adopting §201, Congress had relied upon its power to implement the 14th and 15th Amendments. Brief for the United States, pp. 39-51. We contended that §201 was a proper exercise of Congress' power under each of the amendments and stressed, among other things, the applicability of the rationale of the Gaston County decision, Gaston County v. United States, 395 U.S. 285 (1969). In that case the Supreme Court said that imposition of a literacy test in Gaston County, North Carolina was discriminatory where its racially disparate effect was attributable to racial discrimination by the state's public schools.

While somewhat different reasoning was employed in the five opinions in Oregon v. Mitchell, the Court was unanimous in sustaining §201. Seven justices relied solely upon the 15th Amendment. 400 U.S. at 154, 232 and 282. Justice Black referred mainly to the 15th Amendment, but also mentioned the 14th. 400 U.S. at 118, 132. Justice Douglas referred only to the 14th Amendment. 400 U.S. at 144. Opinions in which seven justices joined were based in part upon the Gaston County theory.

In our view, essentially the same reasons which led to enactment of §201 in 1970 and which furnished the basis for its constitutionality support extension of §201. Those reasons were summarized as follows in the joint statement signed by a majority of the members of the Senate Judiciary Committee:

> . . . our main concern is to extend undiminished the Voting Rights Act of 1965. In addition, however, our amendment . . . would extend the suspension of literacy tests and of other tests and devices to all states of the Nation.
>
> Even though these other areas have no recent history of discriminatory abuses like that which prompted enactment of the 1965 Act, this extension

> is justified for two reasons: (1) because of the discriminatory impact which the requirement of literacy as a precondition to voting may have on minority groups and the poor; and (2) because there is insufficient relationship between literacy and responsible interested voting to justify such a broad restriction of the franchise. 116 Cong. Rec. 5521 (1970).

Since §201 has been in effect, use of tests and devices has been suspended throughout the United States. However, current statistics indicate that, in affected states, the rate of literacy among blacks, Indians or Spanish-speaking citizens is disproportionately low. See Exhibit 23. This fact, bolstered by the Gaston County theory, indicates that the Congress has a proper basis for extending the ban on use of tests and devices.

As noted above, in Oregon v. Mitchell, most of the justices relied upon the 15th Amendment and did not discuss the 14th Amendment with regard to §201. Still, in our opinion, the alternate ground employed by Congress in 1970 has some judicial support. That is, even apart from the discriminatory effects which literacy tests have upon blacks and other minority

groups, Congress could properly determine that such tests are invalid under the 14th Amendment because they are not justified by any "compelling state interest." Cf., e.g., Dunn v. Blumstein, 405 U.S. 330 (1972); American Party of Texas v. White, 415 U.S. 767 (1974).

The importance of the widespread availability of radio and television as means of informing the electorate was referred to in the 1970 statement of the ten members of the Senate Judiciary Committee. We are aware of no indication that §201 has had detrimental effects in any state. Finally, it is significant that at present only 14 states retain laws providing for literacy tests. See Exhibit 24. This number includes five states covered by §4(a) and nine states covered, in whole or part, by §201. Since 1970, six states have repealed their literacy requirements.

In short, we feel that the basis for continuing §201 is clear. Our proposal that the extension of §201 be for an additional five years, rather than for a longer period, is tied to our proposal that §4(a) be extended for five years. At such time as §4 is allowed to expire,

Congress may wish to consider enacting permanent voting rights legislation, and that would be the appropriate time for considering whether the suspension of tests or devices should be converted to a permanent ban.

III. I would like to turn next to the issues raised by H.R. 3247, introduced by Representative Jordan, and H.R. 3501, introduced by Representatives Roybal and Badillo. These bills would amend the Voting Rights Act, so as to provide further protection for the voting rights of Spanish-surnamed Americans. In my letter of February 24, 1975, to Chairman Edwards, which has been placed in the hearing record, I expressed the view that the Voting Rights Act presently provides some protections for Mexican-Americans and Puerto Ricans, as well as Native Americans. Specifically, both the general prohibitions against discriminatory voting practices based on race or color, such as sections 2, 3, 11 and 12, and the special coverage provisions triggered by §4 apply, in our view, to discrimination against Mexican Americans, Puerto Ricans, and Native Americans. In addition, one of the stated reasons for extending to the whole nation the suspension

of literacy tests was the discriminatory impact of such tests on Spanish-surnamed Americans. In reveiwing voting changes from covered jurisdictions in which significant numbers of persons of these groups reside, our uniform practice has been to consider the impact of the changes on these groups, and in some instances objections to voting changes have been based on the impact on Spanish-origin or Native American citizens. Specifically, I would refer the Committee to Exhibit 25, consisting of the objection letter of April 1, 1974, regarding reapportionment in New York; the Memorandum of Decision of July 1, 1974 on the same subject; correspondence to and from the Attorney General of Arizona, dated October 3, 1974; and the objection letter of February 3, 1975, regarding Cochise Co., Arizona.

The most recent Departmental litigation involving voting rights of Puerto Ricans is New York v. United States, Nos. 73-1371 and 73-1740, decided October 22, 1974, in which the Supreme Court affirmed the reopening of the New York litigation and the denial of a motion filed by the State of New York to "bail out" from special coverage of the Voting Rights Act. In our motion to affirm in that case we relied heavily

on the existence of a district court order finding that New York maintained a test or device which had "the purpose or the effect of denying or abridging the voting rights of New York's non-English speaking citizens of Puerto Rican birth...." (Motion to affirm, p. 10).

The proponents of additional legislation have suggested two major legislative needs in this area. First, they point out that some states in which large numbers of non-English speaking Puerto Ricans, Mexican-Americans or Native Americans reside conduct English-only elections, despite the existence of some court rulingsthat such minorities are entitled to bilingual elections*/. Second, they have alleged that other forms of discrimination against these minorities are sufficiently prevalent in some non-covered states to warrant expanding the special coverage provisions to cover such states.

Our study to date discloses that there is a wide range of approaches taken by the states to the problem of ensuring non-English speaking citizens the right to an informed vote. We have made an informal survey, covering a majority of the states. We looked

*/ Puerto Rican Organization for Political Action v. Kusper, 490 F. 2d 575 (N.D. Ill. 1973); Arroyo, et. al. v. Tucker, et al., 372 F. Supp. 764 (E.D. Pa. 1974); Torres v. Sachs, ___F. Supp.___ (Case No. 73 Civ. 3921, S.D.N.Y., September 26, 1973); Lopez v. Dinkins, __F. Supp.__ (Case No. 73 Civ. 695, S.D.N.Y., March 21, 1973); Marquez v. Falcey, ___F. Supp.___ (Civ. No. 1447-73, D.N.J., October 9, 1973).

at state statutes and contacted state secretaries of state. In some states there has been no provision whatever made to take into account the existence of a substantial minority of non-English speaking voters (see, for example, the cases referred to above relating to New York). In other states, statutes allow non-English speaking voters to have a translator (e.g., Texas Election Law § 8.13a) */ or to have assistance in marking the ballot (e.g., Illinois Election Code, Ch. 46, §7-48; Minn. Stat. §206.20). In Arizona, although state law is silent on the subject, the State Attorney General, by letter of October 3, 1974 (attached as Exhibit 25) assured me that the state would provide bilingual notice and allow assistance in marking the ballots of non-English speaking and illiterate voters. The State of New Mexico requires that all state constitutional amendments

*/ It is not clear whether Texas law, prior to the decision in Garza v. Smith, 320 F. Supp. 131 (W.D. Tex. 1970), remanded for entry of fresh judgment, 401 U.S. 1006, dismissed, noting continuing jurisdiction in the District Court, 450 F. 2d 790 (5th Cir. 1971), allowed the translator to enter the voting booth.

be printed in Spanish and English (N.M. Stat. Ann. § 3-16-5); a sample ballot is attached as Exhibit 26). The states of California and New Jersey recently enacted laws providing for bilingual sample ballots. The New Jersey requirement applies to all election districts in which the primary language of 10% or more of the registered voters is Spanish (P.L. 1974, Chapter 30 and 51), while the California requirement applies statewide (Calif. Elections Code § 14201.5). New Jersey requires such districts to have at least two Spanish speaking election officials and California requires that bilingual election officials be recruited in those precincts with a 3% or more non-English speaking voting age population (Calif. Election Code § 1611). Attached as Exhibit 27 are a report from the California Secretary of State's office, dated October 31, 1974 showing that § 1611 has not yet been fully implemented, and a copy of Spanish language instructions and sample ballot used in California. We have been told that some other states, such as

Colorado, some counties in Florida, Idaho, Kansas, Massachusetts, and Washington, also print voting instructions or materials in Spanish. According to the Secretary of State's office in Indiana, voter instructions are posted in Polish in Blake Co., Indiana. Our survey thus reflects:

(1) There is a growing sensitivity in many states to the rights of non-English speaking voters;

(2) A few states with large numbers of Spanish speaking voters have failed to take effective action to secure their right to vote; and

(3) There is a need for a more through and systematic review of the problem.

In sum, although some court decisions already suggest that in order for the right to vote to be effective voters belonging to a substantial minority which speaks a language other than English should be provided election materials in their own language, some states have not reformed their voting laws to comply with those decisions. Accordingly, it would be appropriate for this Committee to consider in these hearings whether the definition of the phrase "test or device" as used in the Voting Rights Act should be amended so as to cover English-only elections in areas with large

numbers of non-English speaking voters. Such an amendment would, if the Act is extended, require all such areas to provide for bilingual elections. It could be based on the Fifteenth Amendment alone (in which case it should be limited to Asian Americans, Native Americans, Puerto Ricans and Mexican-Americans and other Americans of Latin American origin) or the Fourteenth Amendment. Section 3 of H.R. 3247 would so amend § 4(c) of the Voting Rights Act, but not § 201(a); thus, English only elections would be barred in covered jursidictions with over 5% non-English speaking persons, but not in other jurisidictions with over 5% non-English speaking persons. Exhibit 28 lists all counties with over 5% Spanish heritage voting age population. In addition, I believe that the definition of "test or device" used in H.R. 3247 should be carefully examined in light of the actual practices of the states, which I have summarized above. H.R. 3501 does not appear to address directly the question of English-only elections.

Second, H.R. 3247 and H.R. 3501 propose changes in the coverage formula, so as to place under the special coverage of the Voting Rights Act jurisdictions conducting English-only elections in which there has been low voter participation and in which there are large numbers of non-English speaking persons. Those proposals should be evaluated by the same standards as the proposal to extend § 4 for an additional period of 5 or 10 years. If the conditions and practices which have been described in the testimony of Representative Jordan and and other witnesses are widespread, expansion of the coverage of the Act may well be appropriate. But here again the information we have been able to gather is spotty. We have recently received some allegation of discrimination against Mexican-Americans from the Civil Rights Commission and from private citizens, and we are undertaking several investigations under the existing provisions of the Voting Rights Act. To date, however, we have not yet documented widespread, systematic discrimination against Spanish-

surnamed Americans in non-covered jurisdictions, except for the holding of English-only elections. I am pleased that the Civil Rights Commission has undertaken to conduct a thorough investigation of these problems. The difficult question before this Committee is whether sufficient information can be developed in these hearings or whether to wait for the Commission's report.

There is some statistical information available, but, unfortunately, it too is spotty. For example, according to the Bureau of the Census, while 73.4% of white voting age population (VAP) and 65.5% of the black VAP were registered to vote in November 1972, only 49.4% of the Spanish origin VAP were registered. The available figures are set forth in Exhibit 29. However, comparable figures are not available for states or political subdivisions so that it is difficult to pinpoint the areas where the problem of non-participation by Spanish origin voters is greatest. Our study of the State of Texas voting and census figures for 1972 reflect that counties with high Mexican-American population

had slightly lower voting participation than counties with low Mexican-American poulations; the disparity becomes somewhat greater if the combined black and Mexican-American figures are compared with the white "Anglo" figures.

The other measure of political participation -- statistics as to elected officials -- appears to reflect that Spanish-surnamed persons are slightly more fully represented in proportion to their overall population than blacks are, but that both groups are still vastly underrepresented as compared with whites. Exhibit 30 provides those figures, based on compilation of names prepared by private organizations.

Another rough measure of need is provided by looking at the extent of litigation needed to secure the rights of Spanish-speaking citizens. Other witnesses have already alluded to the various voting rights suits. In terms of the issue of responsivaness of state and local government to the Spanish origin minority, I believe it is also relevant

to consider the experience of the Department of Justice in enforcing the civil rights laws as they relate to Spanish origin persons. Exhibit 31 is a list of our litigation in this area. It shows that we have had to take litigative action against state and local governments to prevent discrimination against Spanish origin persons in public schools, employment, voting rights and penal institutions.

It has been suggested that the protection currently provided to Spanish origin groups by the Voting Rights Act is sufficient. It is true that under §3 of the Act preclearance of voting changes, and the appointment of federal examiners and observers, may be required where the Attorney General proves violations of the Fifteenth Amendment. But such use of §3 would seem to require the kind of case by case process of litigation which was required prior to passage of the Voting Rights Act, and in the first nine and a half years of the Act, Section 3 has never been used in this fashion.

I do believe that more could be accomplished under § 3, and I have asked our Voting Section to proceed under that section to protect the rights of Spanish origin, Native American, and black voters wherever such action appears desirable.

It has also been suggested that under existing law all or part of the State of Texas should be held to be covered by § 4, because Texas allegedly conducted English-only elections in 1964 and 1968 and less than 50% of its voting age population voted in the 1964 and 1968 elections. It is argued that conducting English only elections where there is a large Mexican-American population is a "test or device" under such cases as Torres v. Sachs, supra.

While such an argument can certainly be made, its fate in the courts would be uncertain and it might not be consistent with Congress' understanding in passing the Voting Rights Act. In that connection, I would refer the Committee to Attorney General Katzenbach's testimony in 1965 before both the House and Senate Committees. House Hearings, pp. 12, 25, 35-37, 69, 75; Senate hearings, pp. 17, 26, 51, 101, 242.

I share and appreciate Representative Jordan's view, expressed in her testimony last week, that "the Congress has the responsibility to give clear guidance to the Justice Department as to the jurisdictions to be covered by the Voting Rights Act."

This brings me to the coverage formulas in H.R. 3247 and H.R. 3501. H.R. 3247 would amend the coverage formula so as cover states or political subdivisions which on November 1, 1972 conducted English only elections, had a voting age population which included 5% or more persons of a mother tongue other than English, and had less than 50% participation in the November 1972 Presidential election. I believe that the choice of the most recent Presidential election for the trigger formula is consistent with the past history of the Voting Rights Act and is the most appropriate choice. The choice of "mother tongue", while perhaps the most logical, does present problems, as Representative Jordan pointed out in her testimony. In addition to the drawbacks

she cited, I should point out that the Census reports on "mother tongue" do not report that category by age group, but H.R. 3247 bases coverage on the percent of voting age population with a non-English mother tongue, a figure which is not currently readily available. In addition, the use of non-English mother tongue would apparently place under the special coverage of the Act national origin minorities as well as racial minorities. Since the protections of Section 5, 6, 7 and 8 of the Voting Rights Act extend only to discrimination on account of race or color, placing jurisdictions with large numbers of French or German mother tongue voters under §4 would not seem appropriate unless Section 5 through 8 were also amended. Such an amendment logically would have to be based on evidence of discrimination against these groups. We do not know of such discrimination at this time. However, we note that jurisdictions having large numbers of such persons exhibit low voter participation, perhaps indicating discrimination

of a kind deserving coverage. In the absence of such evidence and in the event the Committee decides to recommend passage of H.R. 3247, it may wish to consider using "Spanish origin" rather than "mother tongue" as a triggering device. The list of jurisdictions which would be covered (subject to the discussion, infra, of what constitutes an English-only election) includes all the jurisdictions with 5% or more persons of Spanish mother tongue plus El Paso Co., Colorado. See Exhibit 32.

H.R. 3247 defines an English-only election as one in "which any State or political subdivision provided election or registration materials printed only in the English language." The list of covered jurisdictions attached to Representative Jordan's testimony includes some counties in New Mexico. That state, as I pointed out earlier, has ballots which are predominantly bilingual. The Florida Secretary of State's office advises us that some counties in Florida may use bilingual sample ballots. It is not clear whether partially bilingual election materials fall within the above definition of English-only elections,

and the Committee may wish to consider clarifying amendments.

H.R. 3501 would add to the special coverage of the Voting Rights Act states and political subdivisions with over 5% Spanish origin voting age population which conducted English-only elections in 1964 or 1968 if less than the national average voted in those elections. As noted above at this juncture use of Spanish origin for the trigger may be preferable to use of non-English mother tongue. However, I believe that legislation of this sort should not reach back over 10 years to the 1964 election to trigger coverage in 1975. By relying on the national average rather than 50% voter participation, H.R. 3501 would depart from the formula used in the 1965 and 1970 acts and approved by the Supreme Court. The Committee should examine carefully whether such a departure is warranted. Finally, it appears that H.R. 3501, while using English only elections in the triggering section, neglects to forbid or suspend the use of English only elections.

IV. In conclusion, I believe that the most urgent task of the Committee relating to the Voting Rights Act is to agree promptly on a bill extending §4 and §201 for an additional 5 years. Prompt action is necessary to ensure that the special coverage provision and the nationwide suspension of tests and devices are not allowed to expire. The second task, of equal importance, if not subject to the same time constraints, is consideration of the need for additional coverage to protect the rights of Mexican-Americans, Puerto Ricans, and Native Americans.

DOJ-1975-03

EXHIBITS

to the

TESTIMONY OF J. STANLEY POTTINGER
BEFORE THE SUBCOMMITTEE ON CIVIL AND
CONSTITUTIONAL RIGHTS, COMMITTEE ON THE
JUDICIARY, U.S. HOUSE OF REPRESENTATIVES

March 5, 1975

EXHIBITS

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